IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 35321 of 2007(E)

PETITIONER:

P. VASUDEVAN,
RETIRED DRIVER, HEALTH SERVICES DEPARTMENT,
PARAYANGATKUNNU HOUSE, PULLANCHERY P.O.,MANJERI,
MALAPPURAM DISTRICT.

BY ADV. SRI.V.RAJENDRAN
SRI.A.C.SANKARA VARMA

RESPONDENTS:
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1. DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

2. DISTRICT MEDICAL OFFICER OF HEALTH,
MANJERI, MALAPPURAM DISTRICT.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C). 35321/2007

Dated this the 14th day of December, 2007

JUDGMENT

Petitioner retired from the Health Services Department on 30.4.2004 and he was working as Driver Grade-I. Promotion as Driver Grade-I was a ratio promotion. Petitioner contends that though orders were passed promoting the petitioner as Driver Grade-I, his pay was not fixed in the promoted category nor was he given the benefit of pay revision brought about in the year 2006. There is delay in the implementation of Ext.P2, order of promotion. Consequently, there is a delay in the disbursal of DCRG also.

2. On instructions, the learned Government Pleader submits that the petitioner may not be entitled to ratio promotion with reference to the date mentioned in Ext.P2. Therefore, this aspect is being verified. Ext.P7 representation by the petitioner, has been forwarded by the DMO to DHS along with Ext.P8 covering letter. There is delay in the Office of the DHS, in issuing orders thereon.

3. After having heard the learned counsel for the petitioner and the learned Government Pleader, writ petition is disposed of in the following terms.

(a). First respondent, Director of Health Services, shall pass order with regard to the actual date of enforcement of ratio promotion to the post of Driver Grade-I taking note of Exts.P7 and P8 within two months from the date of receipt of a copy of this judgment.

(b). Arrears of salary due shall be disbursed to the petitioner within one month thereafter.

(c). If the petitioner's claim is accepted, same shall be forwarded to the Accountant General also, without further delay, for a revised gratuity payment order and pension payment order. Entire process shall be completed within a period of six months from the date of receipt of a copy of this judgment.

V.GIRI,
Judge

mrcs